

## SENATE BILL No. 159

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-46-3-12.

**Synopsis:** Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on a person convicted of animal cruelty, and permits a court to order the person to receive counseling.

**Effective:** July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## SENATE BILL No. 159

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) This section  
3 does not apply to a person who euthanizes an injured, a sick, a  
4 homeless, or an unwanted domestic animal if:  
5 (1) the person is employed by a humane society, an animal control  
6 agency, or a governmental entity operating an animal shelter or  
7 other animal impounding facility; and  
8 (2) the person euthanizes the domestic animal in accordance with  
9 guidelines adopted by the humane society, animal control agency,  
10 or governmental entity operating the animal shelter or other  
11 animal impounding facility.  
12 (b) A person who knowingly or intentionally beats a vertebrate  
13 animal commits cruelty to an animal, a Class A misdemeanor.  
14 However, the offense is a Class D felony if:  
15 (1) the person has a previous, unrelated conviction under this  
16 section; or  
17 (2) the person knowingly or intentionally tortures or mutilates a



vertebrate animal.

(c) It is a defense to a prosecution under this section that the accused person:

(1) reasonably believes the conduct was necessary to:

(A) prevent injury to the accused person or another person;

(B) protect the property of the accused person from destruction or substantial damage; or

(C) prevent a seriously injured vertebrate animal from prolonged suffering; or

(2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.

**(d) When a court imposes a sentence under this section, the court:**

**(1) shall consider requiring a person convicted of an offense under this section to receive psychological, behavioral, or other counseling as a part of the sentence; and**

**(2) may order a person convicted of an offense under this section to receive psychological, behavioral, or other counseling as a part of the sentence.**

**SECTION 2. [EFFECTIVE JULY 1, 2005] IC 35-46-3-12, as amended by this act, applies only to offenses committed after June 30, 2005.**

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